

REMARKS/ARGUMENTS

Claims 1, 7, and 13 have been amended to comply with the written description requirement of the first paragraph of 35 U.S.C. §112 and to more accurately define the invention claimed. Claims 3 and 9 have also been amended to more accurately define the invention claimed.

Boettger (US Patent No. 2,835,246) discloses a container assembly for medical specimens. The container assembly comprises of a cylindrical inner container with a sealed end and with a cap sealing the other end of the cylindrical container. A stem is affixed to underside of the cap, which seals the cylindrical container when the stem is inserted in the cylindrical container. When the stem is disposed in the cylindrical container, both ends of the cylindrical container is sealed. The cylindrical inner container is then inserted into a larger outer or second container which outer container can also be closed.

Lowry et al. (US Patent Publication No. US 2002/0088723) discloses a shipping package for hazardous material vials. The shipping package comprises of an inner container placed inside an outer shipping bag that is formed of a flexible polymer film.

Nichols (US Patent No. 2,542,206) discloses a packaging for nuts. The packaging comprises two sheets of cellophane bonded together at the edges to form a bag. A gap in the form of a V-shaped notch which extends from the outer edge of the bag to a point where it provides small vent holes in the two panels which open into the interior of the bag.

Applicant's invention is a packaging to protect an elongated member from being compressed axially and from being contaminated. The packaging comprises of an elongated hollow tube housing with two open ends and with a fixed length that resists axial compression.

Application No.: 10/614,885
Amendment dated: June 3, 2005
Reply to Office Action of: March 16, 2005

The elongated hollow tube housing may be cut to predetermined length from generally available straws or hollow tubes. An elongated member is disposed within the elongated hollow tube housing. A protective covering encloses the elongated hollow tube housing with the elongated member. In another embodiment of applicant's invention the packaging comprises of an elongated hollow tube housing with a sealed end and an open end and with a fixed length that resists axial compression. A swab applicator with a handle and an absorbent tip is disposed within the elongated hollow tube housing with the absorbent tip positioned near the sealed end and the handle positioned near the open end of the elongated hollow tube housing.

Applicant hereby submits that the claim rejections under 35 U.S.C. §112, §102(b), and §103 have all been overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

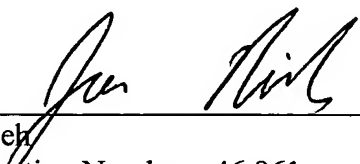


Joe Nieh
Registration Number: 46,961
18760 E. Amar Road, #204
Walnut, CA 91789
Tel: (626) 964-4227
Fax: (626) 854-5717
E-Mail: nieh@justice.com

Application No.: 10/614,885
Amendment dated: June 3, 2005
Reply to Office Action of: March 16, 2005

Certificate of Mailing: I certify that on the date below this document and referenced attachments, if any, will be deposited with the U.S. Postal Service by 1st Class Mail in an envelope addressed to: "Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

June 3, 2005



Joe Nieh
Registration Number: 46,961
18760 E. Amar Road, #204
Walnut, CA 91789
Tel: (626) 964-4227
Fax: (626) 854-5717
E-Mail: nieh@justice.com